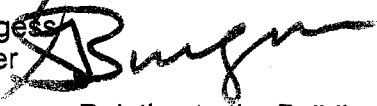


# Memorandum



**Date:** May 15, 2007

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager 

**Subject:** Proposed Ordinance Relating to the Building Code

GOE  
Agenda Item No. 2AA \_\_\_\_\_

## RECOMMENDATION

It is recommended that the Board approve the attached ordinance amending Chapter 8 of the Code of Miami-Dade County. The proposed ordinance adds administrative provisions to the Building Code, clarifies provisions of the present Code related to the 40 year recertification of buildings and modifies provisions related to unsafe structures enforcement.

## BACKGROUND

The 2005 Florida Legislature adopted the 2004 edition of the Florida Building Code as the uniform building code for the State of Florida. The effective date of the new edition of the Florida Building Code was October 1, 2005.

The proposed ordinance includes supplemental administrative provisions to be added to Chapter 8 necessary to implement certain aspects of the Florida Building Code. The ordinance includes provisions relating to permit application extensions, building permit extensions, certificates of occupancy and certificates of completion.

In addition, the proposed ordinance includes amendments to Chapter 8 regarding the 40 year recertification of existing buildings. The amendments provide clarification that the owner has the responsibility to recertify a building, specify how the age of a building is determined and establish enforcement mechanisms available to the Building Official when an owner fails to comply as well as penalties for violation of the code.

In regard to unsafe structures enforcement, the amendments clarify the Building Official's authority to act in an emergency and in cases of non-compliance, change the manner in which owners and interested parties are identified, establish the Building Official's authority to extend time periods to comply with Unsafe Structures Board and Appeal Panel orders in limited circumstances and define the time period owners and interested parties have to appeal the issuance of a notice of violation.

## FISCAL IMPACT

The implementation of this ordinance will not have any fiscal impact on the County and municipal building departments.

  
\_\_\_\_\_  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** February 20, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 4 (B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(B)

2-20-07

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 8-5 PERTAINING TO UNSAFE STRUCTURES; ESTABLISHING SECTION 8-9 REGARDING PERMIT APPLICATIONS; AMENDING SECTION 8-11 PERTAINING TO THE RECERTIFICATION OF EXISTING BUILDINGS; ESTABLISHING SECTION 8-19 PERTAINING TO BUILDING PERMIT EXTENSIONS; ESTABLISHING SECTION 8-20 PERTAINING TO CERTIFICATES OF OCCUPANCY AND COMPLETION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, THAT:**

Section 1. Article 1, Chapter 8, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: <sup>1</sup>

## **CHAPTER 8. BUILDING CODE**

### **Sec. 8-5. Unsafe Structures.**

\* \* \*

- (e) Emergency action. When in the opinion of the Building Official, there is actual or immediate danger of the failure or collapse of a building or structure or there is a health, windstorm or fire hazard, he may order the occupants to vacate, temporarily close for use or occupancy the rights of way thereto, >>including<< sidewalks, streets>>, << ~~[[or]]~~ adjacent buildings>>, and<< ~~[[or]]~~ nearby area>>, << ~~[[and]]~~ institute such other temporary safeguards >>as he may deem necessary under the circumstances<<, including securing the building or structure, ~~[[as he may deem necessary under the circumstances]]~~>>and, if necessary, may demolish the

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >> doubled arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

building or structure.<< [[and]] >>The Building Official<< may employ the necessary labor and materials to perform the required work as expeditiously as possible. In such event, the operation of the notice and hearing requirements of this Section shall be suspended as reasonably necessary in the opinion of the Building Official to redress the emergency situation. Costs incurred in the performance of such emergency work shall be paid by the appropriate governmental authority and upon the recording in the public records of this county a certificate executed by the Building Official, certifying the amount so expended, the same shall become a lien against the property involved.

(f) Unsafe structures meeting valuation criteria for immediate demolition.

\* \* \*

(5) Within ten (10) working days of posting the notice of violation and notice of hearing, the Building Official shall send written notice of violation and notice of hearing to the owner and any interested party. ~~[[For these purposes, the owner shall be the taxpayer as reflected in the most recently certified real property ad valorem tax roll of Miami Dade County; provided however, where the records of the Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records. An interested party shall be the owner and any other person or entity who has previously requested real property ad valorem tax notices with respect to the subject property in accordance with Section 197.344 of the Florida Statutes, as the same may be renumbered or amended from time to time. The notice of violation and notice of hearing shall be sent by certified or first class mail to all such parties' last known addresses as reflected in the records of the Miami Dade County Property Appraiser. Failure to receive such notice, or the lack of a signed return receipt shall not invalidate the notice.]]~~

\* \* \*

(h) Public hearing.

\* \* \*

>>(4) The periods set forth in the Board order or the Appeal Panel order may be extended by the Building Official for one or more additional periods which in the aggregate do not exceed 180 days. In order for the Building Official to grant such an extension, the Building Official must first determine that the owner has diligently attempted to comply with the Board or Appeal Panel order, but has been unable to do so for reasons beyond the owner's control.<<

[[~~(4)~~]] >>(5)<< If the owner or those responsible shall fail to comply with the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel within the time stipulated therein and such order is to repair, complete or secure the building to make safe, then the Building Official shall cause such building to be vacated, if occupied; and shall through his employees or through a contractor enforce the order of the Unsafe Structures Board, Unsafe Structures Appeal Panel or Building Official. >>The Building Official also has the authority to order the disconnection of utilities.<< Buildings shall be secured with concrete block or other materials of the same durability as determined by the Building Official. Swimming pools shall be secured by fencing or by using another approved method as determined by the Building Official.

[[~~(5)~~]] >>(6)<< If the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel is to demolish the building or structure and to remove the salvage, contents, debris and abandoned property from the premises, and the owner or those responsible shall have failed to comply with such order, then the Building Official may do so. >>The Building Official also has the authority to order the building or structure vacated and utilities be disconnected.<< Swimming pools shall be demolished by removal of any stagnant water and any above ground parts of the structure, breaking open the bottom and filling with sand or clean fill level to the existing grade.

[[~~(6)~~]] >>(7)<< The Building Official may either sell to the highest bidder or bidders for cash the salvage and the contents of such building or other structure so demolished which have not been removed by the owner of the land or require the demolition contractor to dispose of the salvage and the contents of the structure demolished.

\* \* \*

(m) >>Appeal and review of notice of violation and<< Judicial Review.

[[~~(7)~~]] >>(1) The owner or any interested party may appeal the decision of the Building Official declaring a building or structure unsafe as stated in the Notice of Violation, to the Unsafe Structures Board or Unsafe Structures Appeal Panel, if such appeal is filed within 30 days of the date of posting of the Notice of Violation. Such appeal shall be in writing, addressed to the Secretary of the Unsafe Structures Board or Director of the Building Department or his designee and state the reasons for such an appeal and wherein the Building Official is alleged to be in error. Appeals based on personal or economic hardship will not be considered proper unless the appellant also states wherein the Building Official is alleged to be in error. Upon receipt of the appeal, the Secretary of the Board or Director of the Building Department or his designee will proceed to notify all parties in interest as to the time and place of the Unsafe Structures Board or Unsafe Structures Appeal Panel public hearing.<<

5

[[~~(ii)~~]] >>(2)<< Any person aggrieved by a decision of the Unsafe Structures Board or an Unsafe Structure Appeal Panel may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure. Any order, requirement, decision or determination of the Unsafe Structures Board or an Unsafe Structures Appeal Panel shall be reviewed by the filing of a notice of appeal in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in accordance with the procedure and within the time provided by the Florida Rules of Appellate Procedure for the review of the rulings of any commission, hearing officer or board; and such time commences to run from the date that the Board's or Appeal Panel's order, requirement, decision or determination sought to be reviewed is transmitted to the Secretary of the Board or Director of the Miami-Dade County Building Department or his designee. The Secretary or the Director of the Miami-Dade County Building Department shall affix to each order, requirement, decision or determination of the Board or Appeal Panel the date said order, requirement, decision or determination is transmitted. The Secretary to the Board and Director of the Miami-Dade County Building Department shall comply with all requirements of the Florida Rules of Appellate Procedure.

\* \* \*

Sec. 8-9. [[~~Reserved~~]] >>Permit Application Extensions.

- (a) The Building Official is authorized to extend for periods of time, with no single extension exceeding 90 days, any permit application which has expired, in accordance with the provisions of the Florida Building Code, provided there have been no amendments to the applicable provisions of the Florida Building Code which became effective prior to receipt of the request to extend the permit application.
- (b) A permit application may be extended one or more times by the Building Official except as provided for in sub-section (c) below.
- (c) The Building Official is authorized to extend a permit application once when any amendment to the Florida Building Code became effective prior to receipt of the request to extend the permit application provided:
  - (1) plan review approvals were obtained in every Florida Building Code and Fire Prevention Code discipline prior to the date the permit application expired;
  - (2) the extension request is received 90 days prior to the expiration of the permit application;
  - (3) the applicant provides written confirmation from all departments whose approval is pending, including Department of Planning and Zoning, the Department of Environmental Resources Management, the Public Works Department and the Water and Sewer Department that the respective departments are prepared to enter plan review approvals into the computer system if the permit application is extended; and,

- (4) The applicant has designated a contractor to obtain the permit and has the financial ability to pay all applicable permit and County fees.

The permit application extension granted under this subsection will be granted for a 10 day period of time to allow entry of plan review approvals by pending departments, payment of all applicable permit and County fees and issuance of the permit.

- (d) The request for extension of a permit application must be made in writing to the Building Official and accompanied by the permit application extension fee.<<

\* \* \*

Sec. 8-11. Existing Buildings.

\* \* \*

~~[(4)]~~ >>(d)<< Recertification of buildings >>, structures<< and components:

~~[(4)]~~ >>(1) Recertification.<< ~~[[For the purpose of this Subsection,]]~~ Recertification shall ~~[[be construed to]]~~ mean ~~[[the requirement for specific inspection of existing buildings, and structures and furnishing the Building Official with a written report of such inspection as prescribed herein]]~~ >>issuance of a Letter of Acceptance establishing that the building or structure is structurally and electrically safe for continued occupancy. In order to obtain a Letter of Acceptance the owner shall furnish the Building Official with a report establishing that the building or structure is structurally and electrically safe for continued occupancy.<<

~~[(4)]~~ >>(i)<<Inspection procedures shall conform, in general, with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

~~[(2)]~~ >>(ii)<<Such inspection>>s<< shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material or assembly of a building or structure which affects the safety of such building or structure and/or which supports any dead or designed live load, and the general condition of its electrical systems pursuant to the >>Florida<< Building Code.

~~[(4)]~~ >>(2) When required.<<

~~[(4)]~~ >>(i) Each owner of<< ~~[[all]]~~ >>a<< building[[s]] >>or structure<<, except >>a<< single-family residence[[s]], duplex[[es]] and minor structure[[s]] as defined below, ~~[[shall be recertified]]~~ >>is required to

obtain recertification<< in the manner described below ~~[[where such buildings or structures have been in existence for forty (40) years or longer, as determined by the Building Official, who shall at such time issue a Notice of Required Inspection to the building owner.]]~~ >>by January 1<sup>st</sup> in the year the building or structure reaches its fortieth (40<sup>th</sup>) year of age and every ten (10) years thereafter.<<

[[~~(2)~~]] >>(ii)<< ~~[[Subsequent recertification shall be required at ten (10) year intervals.]]~~ >>The age of the building or structure is measured from the date the building or structure was built as indicated in the records of the Miami-Dade County Property Appraiser.<<

[[~~(3)~~]] ~~In the event a building is determined to be structurally and electrically safe under the conditions set forth herein, and such building or structure is less than forty (40) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age forty (40), whichever is the longer period of time.~~

(iii)] >>(3) Minor buildings and structures defined.<< Minor buildings or structures shall, for the purpose of this subsection, be buildings or structures in any occupancy group having an occupant load of ten (10) or less, ~~[[as]]~~ determined ~~[[by Table 1003.1 (FBC) Minimum Occupant Load]]~~ >>in accordance with Chapter 10<< of the Florida Building Code and having a gross area of 2,000 sq. ft. or less.

[[~~(iv)~~]] >>(4) Report required.<<

[[~~(1)~~]] >>(i)<< The owner of a building or structure subject to recertification shall furnish, or cause to be furnished, ~~[[within ninety (90) days of]]~~ >>by January 1<sup>st</sup> of the date the building or structure reaches the age when recertification is required, but not earlier than 90 days prior to that date,<< ~~[[Notice of Required Inspection]]~~ a written report to the Building Official, prepared by a Professional Engineer or Architect registered in the State of Florida, certifying that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

[[~~(2)~~]] >>(ii)<< Such written report shall bear the impressed seal and signature of the responsible Engineer or Architect who has performed the inspection.

[[~~(3)~~]] >>(iii)<< Such Engineer or Architect shall undertake such assignments only where qualified by training and experience in the specific technical field involved in the inspection and report.

[[~~(4)~~]] >>(iv)<< Such report shall indicate the manner and type of inspection forming the basis for the report and description of any matters identified as requiring remedial action.



~~[(5)]~~ >>(v)<< In the event that repairs or modifications are found to be necessary resulting from the recertification inspection, the owner shall have a total of 150 days from the date ~~[[ef Notice of Required Inspection]]~~ >>the recertification report was required to be submitted to the Building Official<< in which to complete indicated repairs or modifications which shall be executed in conformance with all applicable sections of the >>Florida<< Building Code.

>>(5) Issuance of Letter of Acceptance; duration.

- (i) If the recertification report certifies that all applicable structural elements and electrical system components are safe and the buildings and structures are safe for continued occupancy, then the Building Official shall issue a Letter of Acceptance.
- (ii) A Letter of Acceptance shall expire ten (10) years from the date the owner was required to recertify the building or structure.

(6) Responsibility for compliance; violations; enforcement.

- (i) It is the responsibility of the property owner to recertify and obtain a Letter of Acceptance for any building or structure forty (40) years of age or older. The Building Official or his designee may issue a civil violation notice under Chapter 8CC of this Code to an owner who fails to submit a recertification report on any building or structure or make all required repairs necessary to render any building or structure safe.
- (ii) No owner or tenant shall use or occupy any building or structure of 40 years of age or older unless a Letter of Acceptance has been issued by the Building Department. The Building Official or his designee may issue a civil violation notice under Chapter 8CC of this Code to any owner or tenant using or occupying any building or structure if recertification has not been obtained.
- (iii) The Building Official is also authorized to take such other enforcement action as provided for under Section 8-5 and Section 8-20(a)(2)(ii) of this Code.<<

~~[(v)]~~ >>(7)<<When installed on threshold buildings, structural glazing systems, shall be inspected by the owner at 6 months intervals for the first year after completion of the installation. The purpose of the inspection shall be to determine the structural condition and adhesive capacity of the silicone sealant. Subsequent inspections shall be performed at least once every 5 years at regular intervals for structurally glazed curtain wall systems installed on threshold buildings.

\* \* \*

Sec. 8-19. [[Reserved]] >>Building Permit Extensions.

- (a) If the work covered by a building permit has not commenced and the permit has not been revoked, the Building Official may extend such permit for a single period of 180 days provided the permit extension request is made in writing by the permit holder and received by the Building Official prior to the expiration date of the permit. Such extension shall be granted automatically provided it is made in writing on a timely basis and upon payment of the required fee. A building permit may only be extended once during the life of the permit where no work has commenced.
- (b) If the work covered by a building permit has commenced and the permit has not been revoked, the Building Official may extend such permit for a single period of 180 days from the date of the request for extension provided the request is made in writing and received by Building Official prior to the expiration of the permit. Such extension shall be granted automatically by the Building Official provided it is made in writing on a timely basis and upon payment of the required fee. Any request for an extension of a building permit after the first extension granted by the Building Official must be made in writing by the permit holder to the Secretary of the Board of Rules and Appeals for consideration by that Board prior to the expiration of the permit. The Board of Rules and Appeals may grant one or more permit extensions of up to 180 days.<<

Sec. 8-20. [[Reserved]] >>Certificates of Occupancy and Completion.

(a) Certificates of Occupancy:

(1) When Required:

- (i) No building or structure of any Group Occupancy, other than Group U and building shells of any Group Occupancy, hereafter erected, altered or enlarged, nor existing building involving a change of occupancy shall be used or occupied in whole or in part until a Certificate of Occupancy has been issued by the Building Official, certifying that he or she reasonably believes the building or structure and occupancy are in accordance with the provisions of the Florida Building Code and all other ordinances and laws applicable thereto. The permit holder must apply for and obtain a permanent Certificate of Occupancy after all final inspections have been approved by the Building Official. The issuance of the permanent Certificate of Occupancy by the Building Department authorizes the connection of utility services.
- (ii) If the Building Official reasonably believes the building or part thereof complies with the provisions of the Florida Building Code and all pertinent laws and ordinances, he or she shall issue the Certificate of Occupancy upon payment of the required fee.

- (iii) Whenever a permit is issued in reliance upon a sworn affidavit from a registered architect or engineer, the Building Official shall not issue a Certificate of Occupancy until he or she has received all copies of inspection reports as work was performed and upon completion of the work a certification that the structure, electrical, gas, mechanical and plumbing systems have been constructed in accordance with the requirements of the technical codes and plans submitted for permit.

(2) Existing Buildings:

- (i) The legal occupancy of any building existing on the date of the adoption of the Florida Building Code, 2004 edition, shall be permitted to continue without change, except as specifically provided for in the Florida Building Code, or the Florida Fire Prevention Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
- (ii) When the owner of a building has failed to obtain a Letter of Acceptance as required under Section 8-11 of this Code, the building is deemed unsafe for continued occupancy and the Building Official may revoke the Certificate of Occupancy, disconnect utilities to the building and order the building vacated. Written notice of the cancellation of the Certificate of Occupancy and disconnection of the utilities shall be given to the owner and tenants wherever possible prior to taking such action. If not notified prior to cancellation and disconnecting, the owner and occupants shall be notified in writing, as soon as practical thereafter.
  - (aa) If a recertification report indicates that the building or structure or any part thereof is unsafe or in need of structural or electrical repairs, the Building Official may require the owner and occupants to immediately vacate the entire building or structure or that part which is deemed unsafe or in need of repairs.
  - (bb) The building or structure or part thereof which is ordered vacated shall be secured to the satisfaction of the Building Official and remain vacant and unoccupied until repairs are completed under building permits issued by the Building Department to render the building or structure safe and the engineer or architect who prepared the recertification report submits a letter under seal declaring the building or structure to be safe.
  - (cc) Upon completion of required repairs and submittal of a new recertification report or letter by the architect or engineer who prepared the original report certifying that the buildings or structures are structurally and electrically safe, the Building Official shall issue a Letter of Acceptance and the buildings or structures can be occupied.

(3) Temporary Certificates of Occupancy:

- (i) A Temporary Certificate of Occupancy may be issued by the Building Official for the temporary use of any building or structure provided all code provisions relating to sanitary facilities and means of egress, including those serving the physically handicapped, fire-resistive separations, structural adequacy, the barricading of work areas and other provisions relating to public safety have been met and approved by the Building Official.
- (ii) Whenever a permit is issued in reliance upon a sworn affidavit from a registered architect or engineer, the Building Official shall not issue a Temporary Certificate of Occupancy until he or she has received all copies of inspection reports for the work completed up to the date the application for the Temporary Certificate of Occupancy is submitted.
- (iii) Requests for a Temporary Certificate of Occupancy shall be made in writing to the Building Official on a form to be provided by the Building Department and shall be accompanied by the required fee.
- (iv) A Temporary Certificate of Occupancy shall expire 180 days from the date of issuance. A Temporary Certificate of Occupancy may be renewed for one or more additional time periods of up to 90 days by the Board of Rules and Appeals. The request for renewal of a Temporary Certificate of Occupancy must be made in writing to the Secretary to the Board of Rules and Appeals.
- (v) The filing of a request to obtain a Temporary Certificate of Occupancy from the Building Official or a request to renew a Temporary Certificate of Occupancy shall not extend the life of the underlying building permit.
- (vi) The building permit holder shall be responsible for obtaining all final inspection approvals prior to the expiration of the Temporary Certificate of Occupancy or building permit. When the permit holder completes the work items listed on the Temporary Certificate of Occupancy application, the permit holder must apply for and obtain a permanent Certificate of Occupancy.
- (vii) If the permit holder does not comply with the terms of the issuance of the Temporary Certificate of Occupancy, the Building Official may cancel the temporary certificate upon written notification to the owner. Upon cancellation of the Temporary Certificate of Occupancy, the Building Official shall order the disconnection of utility services to the building or structure and the use and occupancy of the building or structure be discontinued.

(b) Certificates of Completion:

- (1) When Required:

- (i) No building or structure of Group U Occupancy nor any building shell of any other occupancy hereafter erected, altered or enlarged, shall be used unless a Certificate of Completion has been issued by the Building Official, certifying that he or she reasonably believes the building or structure and occupancy are in accordance with the provisions of the Florida Building Code and all other ordinances and laws applicable thereto.
- (ii) The permit holder must apply for and obtain a permanent Certificate of Completion for any building of Group U Occupancy, or any building shell of any other Occupancy after all final inspections have been approved by the Building Official.
- (iii) The issuance of the permanent Certificate of Completion shall allow the Building Department to authorize the connection of utility services as follows:
  - (1) For buildings of Group U Occupancy, all utility services may be connected without limitations.
  - (2) For building shells, utility services to the general use area of the building may be connected, but connection of utility services and/or occupancy of the tenant areas shall be prohibited.
- (iv) If the Building Official reasonably believes the building or part thereof complies with the provisions of the Florida Building Code and all pertinent laws and ordinances, he or she shall issue the Certificate of Completion upon payment of the required fee.
- (v) Whenever a permit is issued in reliance upon a sworn affidavit from a registered architect or engineer, the Building Official shall not issue a Certificate of Completion until her or she has received all copies of inspection reports as work was performed and upon completion of the work a certification that the structure, electrical, gas, mechanical and plumbing systems have been constructed in accordance with the requirements of the technical codes and plans submitted for permit.
- (2) Existing Buildings: The legal occupancy of any building existing on the date of the adoption of the Florida Building Code, 2004 edition, shall be permitted to continue without change, except as specifically provided for in the Florida Building Code, or the Florida Fire Prevention Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
- (3) Temporary Certificates of Completion:

- (i) A Temporary Certificate of Completion may be issued by the Building Official for the temporary use of any building of Group U Occupancy, or any building shell of any other occupancy provided that all code provisions relating to sanitary facilities and means of egress including those serving the physically handicapped, fire-resistive separations, structural adequacy, the barricading of work areas, and public safety have been met, and only minor work is not completed.
- (ii) Whenever a permit is issued in reliance upon a sworn affidavit from a registered architect or engineer, the Building Official shall not issue a Temporary Certificate of Completion until he or she has received all copies of inspection reports for the work completed up to the date the application for the Temporary Certificate of Completion is submitted.
- (iii) Requests for a Temporary Certificate of Completion shall be made in writing to the Building Official on a form to be provided by the Building Department and shall be accompanied by the required fee.
- (iv) A Temporary Certificate of Completion shall expire 180 days from the date of issuance. A Temporary Certificate of Completion may be renewed for one or more additional time periods of up to 90 days by the Board of Rules and Appeals. The request for renewal of a Temporary Certificate of Completion must be made in writing to the Secretary of the Board of Rules and Appeals.
- (v) The filing of a request to obtain a Temporary Certificate of Completion from the Building Official or a request to renew a Temporary Certificate of Completion shall not extend the life of the underlying building permit.
- (vi) The building permit holder shall be responsible for obtaining all final inspection approvals prior to the expiration of the Temporary Certificate of Completion or building permit. When the permit holder completes the work items listed on the Temporary Certificate of Completion application, the permit holder must apply for and obtain a permanent Certificate of Completion.
- (vii) If the permit holder does not comply with the terms of the issuance of the Temporary Certificate of Completion, the Building Official may cancel the Temporary Certificate of Completion upon written notification to the owner. Upon cancellation of the Temporary Certificate of Completion, the Building Official shall order the disconnection of utility services to the building or structure and the use and occupancy of the building or structure be discontinued.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.


Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Daniel Frastai

  
D.F.